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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,974	12/17/2001	Addepalli Sateesh Kumar	RNI-001-3P	9459

34051 7590 05/17/2007
STEVENS LAW GROUP
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EXAMINER

PHAM, BRENDA H

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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05/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/023,974

Applicant(s)

KUMAR ET AL.

Examiner

Brenda Pham

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-20, 22-30 and 32-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 16, 22-24 and 32 is/are rejected.
- 7) ☐ Claim(s) 2-15, 17-20 and 33-40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-40 are currently pending in the application.
2. The indicated allowability of claims 2, 16, 22 and 31 is withdrawn in view of the newly discovered reference(s) to **Fang (US 7,103,063 B2)**. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 2, 16, 22 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by **Fang (US 7,103,063)**.

Regarding claims 2, 22 and 32, **Fang** discloses a method of combining TDM data and data packets comprising:

receiving a plurality of TDM data columns (see figure 3, 315);

receiving a plurality of data packets (data 305),

transforming a first subset of the data packets into one or more TDM packet columns (figure 2 shows transforming data packets into TDM packet);

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and combining the TDM packet columns with a first subset of the TDM data columns to form a data payload of an outgoing TDM data frame (figure 3 shows Multiplex 36 combining the TDM packet column with ;

wherein a TDM packet column includes a high priority data packet and a low priority data packet (see figure 2 and 9, column 1, lines 60-67).

Regarding claim 16, **Fang** disclose a method of combining TDM data and data packets comprising:

receiving a first plurality of TDM data columns (see figure 3, TDM packets 315);

receiving a first plurality of data packets (data shows in figure 3),

transforming a first subset of the first plurality of data packets into a first group of TDM packet columns (Asynchronous data packet 220);

combining the first group of TDM packet columns (215 TDM packets) with a first subset of the first plurality of TDM data columns to form a first data payload of a first TDM data frame (see figure 2);

receiving a second plurality of TDM data columns;

receiving a second plurality of data packets;

transforming a first subset of the second plurality of data packets into a second group of TDM packet columns; and

combining the second group of TDM packet columns with a first subset of the second plurality of TDM data columns to form a second data payload of a second TDM data frame (see figure 2).

Regarding claims 23, 24, 28, **Fang** teaches a first dynamic multiplexer/demultiplexer coupled to the first TDM framer/Deframer and the TDM/Packet cross connect switch and configured to separate data from the first TDM data frame into TDM data and packet data (see figure 3).

Note: Examiner does not give patentable weight to "configured to" clauses because such language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation (see claims 22-30).

Allowable Subject Matter

5. Claims 2-15, 17-20, 33-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild, can be reached on (571) 272-2092.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

May 12, 2007
Brenda Pham

Brenda A. Pham

**BRENDA PHAM
PRIMARY EXAMINER**